

**IN THE HIGH COURT OF JUDICATURE
AT BOMBAY**

BENCH AT AURANGABAD.

WRIT PETITION NO.15225 OF 2017

M/s Engineers Trading
Company, Jalgaon. ... Petitioner.

Versus

The State of Maharashtra
and others. ... Respondents.

...

Mr.B.S.Deshmukh, advocate for the petitioner.
Mr.S.G.Karlekar, A.G.P. for the State.
Mr.Dhananjay Deshpande, advocate for Respondent
Nos.2 to 4.

...

**CORAM : S.V.GANGAPURWALA AND
A.M. DHAVAL, JJ.**

Date : 03.05.2018.

PER COURT :

1. The petitioner assails the order of
black listing him.

2. The petitioner was allotted the work by
the Respondent for Meter reading manually as well
as by CMRI machine. The show cause notice is

issued to the petitioner as to why the petitioner should not be black listed. The petitioner gave reply. Thereafter, the impugned order is passed.

3. There are rival contentions of the parties. Whenever the order has civil consequence, it is expected that the order is a reasoned order. Reasons depict the application of mind of the person passing the order. The reasons now are considered to be the third pillar of the principles of natural justice.

4. Perusal of the order, it does not transpire that the authority has considered the explanation given by the petitioner. It only refers to explanation of the petitioner being not satisfactory. The authority ought to have dealt with the explanation given by the petitioner, more particularly, when the impugned order has civil consequence of black listing the petitioner.

5. Considering above, we set aside the impugned order. The Respondent authority shall

after hearing the petitioner and considering the explanation given by him, take decision afresh. In the present case we have directed personal hearing considering the disputed factual matrix involved.

6. The authority may also consider the claim of the petitioner with regard to the forfeiture of the amount afresh.

7. Mr.Deshpande, learned counsel submits that while passing the impugned order, the Respondents have not relied upon the inquiry report in respect of inquiry conducted of the Officers of Respondent Corporation.

8. The Writ Petition is accordingly disposed of. No costs.

(A.M.DHAVAL, J.)

(S.V.GANGAPURWALA, J.)

